IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 342 of 2003

Shri Hiralal Ishwarsa Zad
and another. ... Petitioners.

V/s.

Shri Balasaheb Hirala Zad ... Respondent.

CORAM : V.C.DAGA, J.

DATED : 10th March 2006.

P.C. :

Heard.

By consent of parties, the petition is taken up for final hearing.

This petition is directed against the order dated 10th March, 1999 passed by the Fourth Additional District Judge, Pune whereby the appeal preferred by the respondent was allowed; order passed by the trial Court below Exh.39 came to be set aside and defendant No.2 was allowed to open lock of Deoghar with further direction not to obstruct the plaintiff and his family members from performing necessary traditional puja and other religious ceremonies in the Deoghar. This order has been stayed by this Court vide ad-interim order dated 7th March, 2003. Since then none of the

parties has moved this Court either for vacation or confirmation of the d-interim relief. Today, both parties agree that ad-interim relief granted by this Court on 7th March, 2003 be made operative during the pendency of the suit; and the trial Court be directed to dispose of the suit within a reasonable time-frame. The joint prayer made seems to be reasonable and can be accepted.

Considering the joint request made by the parties, petition is disposed of making the order dated 7th March, 2003 operative during the tendency of the suit. The trial Court is directed to proceed with the suit and dispose it of as expeditiously as possible, at any rate, within one year from the date of receipt of copy of this order. All rival contentions are kept open.

Needless to mention that in view of disposal of the substantive petition, the civil application taken out therein does not survive. The same stands disposed as infructuous with no order as to costs.

(V.C.DAGA, J.)